

POLICY NUMBER: 202.30
DIVISION: Environmental Public Health
POLICY TITLE: Salvaging, Recycling, and Commercial Composting Operation Inspections, Complaint Investigations and Enforcement
AGENCY (ies): Lincoln-Lancaster County Health Department
AUTHORITY: Board of Health, Lincoln Municipal Code Chapters 5.41 Salvaging, Recycling and Composting Operations
DRAFTED: 04-06-1982
BOH: 04-13-1982
REVISED: 07-15-2016
APPROVED:

POLICY STATEMENT:

To protect and promote the public's health, all Salvaging, Recycling, and Commercial Composting facilities will be issued permits to operate and all related violations and/or complaints will be investigated and resolved in a timely manner. The proper operation of Salvaging, Recycling, and Commercial Composting facilities in our community will reduce public health risks by preventing negative environmental impacts caused by improper management of related wastes and materials and other general nuisance conditions.

PROCEDURES:

I. Permitting Inspection Process

A. Initial Operating Permit Inspection

All Salvaging, Recycling and Commercial Composting Operations will be inspected prior to obtaining an operating permit following the steps in Attachment 1 – Salvaging, Recycling, and Composting Operations flowchart page 2. The initial inspection may occur upon receipt of a completed and approved Permit Application (Attachments 2A, 2B, 2C) and payment of the appropriate fees. The inspection will be documented using the Inspection Checklist (Attachment 3).

B. Salvaging and Commercial Composting Operations - Annual Inspection

Salvaging and Commercial Composting operations require an annual inspection (See Attachment #1 Salvaging, Recycling, and Composting Operations flowchart page 9. The annual inspection may occur any time following receipt of a completed and approved Permit Renewal and payment of the appropriate fees. The inspection will be documented using the Inspection Checklist.

C. Recycling Facilities - Complaint Inspection

There is no annual inspection requirement for Recycling Operations and they are inspected on a complaint-only basis.

II. Complaint Investigations

A. All Salvaging, Recycling and Commercial Composting Operations are subject to inspection, at any time, for the purpose of investigating complaints and other alleged violations (See Attachment 1 Salvaging, Recycling, and Composting Operations flowchart page 10).

B. Complaint Intake

All complaints will be recorded, entered into the Accela database, given a case number, and assigned to an Environmental Health Specialist (EHS) for further action. At a minimum, staff will attempt to gather the following information on all complaints: a physical address, a detailed

explanation of the location, the name of the business and a description of the offending conditions. All investigation reports will include any notes and photographs taken of observations of site conditions.

C. **Complaint Investigation**

Investigation of Salvaging, Recycling and Commercial Composting complaints will be handled in the following manner:

1. The EHS will determine if the complaint pertains to a permitted operation and conduct an inspection. If the inspection of the operation confirms that no violations exist, the EHS will document the findings and close the case.
2. If the inspection of the operation confirms that violations exist, the EHS will document the conditions in writing and with photographs and do the following:
 - a. Prepare a letter and send the letter to the operator (Attachment 4)
 - b. Conduct a follow-up inspection between 15 and 30 days.
 - c. If the follow-up inspection of the property confirms uncorrected and/or new violations, the EHS will document the conditions in writing and with photographs and prepare a Notice of Violation letter and send the letter, certified, to the operator (Attachment 5) within 5 days of the inspection.
 - d. Conduct a follow-up inspection between 15 and 30 days.

III. **Enforcement**

- A. Any owner or operator of a Salvaging, Recycling and Commercial Composting Operation that does not correct violations is subject to legal action in the form of arraignment and court proceedings, and/or suspension/revocation of their permit to operate (See Attachment 1 Salvaging, Recycling, and Composting Operations flowchart page 11). The Solid Waste Supervisor (Supervisor) shall be consulted about referring the case to the City Attorney for further action or proceed with the permit suspension/revocation process.
- B. After reviewing the operating history, the Supervisor will decide whether to: send an arraignment request to the City Attorney for prosecution of the violations in a court of law; or request an Administrative Conference with the Permittee to discuss the necessary actions to avoid the suspension or revocation of his/her operating permit; or to hold a permit hearing .

C. **Arraignment Request**

A narrative and all supporting documentation will be included in the arraignment request and submitted to the City Attorney for review and possible prosecution in a court of law. While awaiting court action, the operation shall be subject to the regular operational procedures and inspections, complaint inspections, and additional enforcement action.

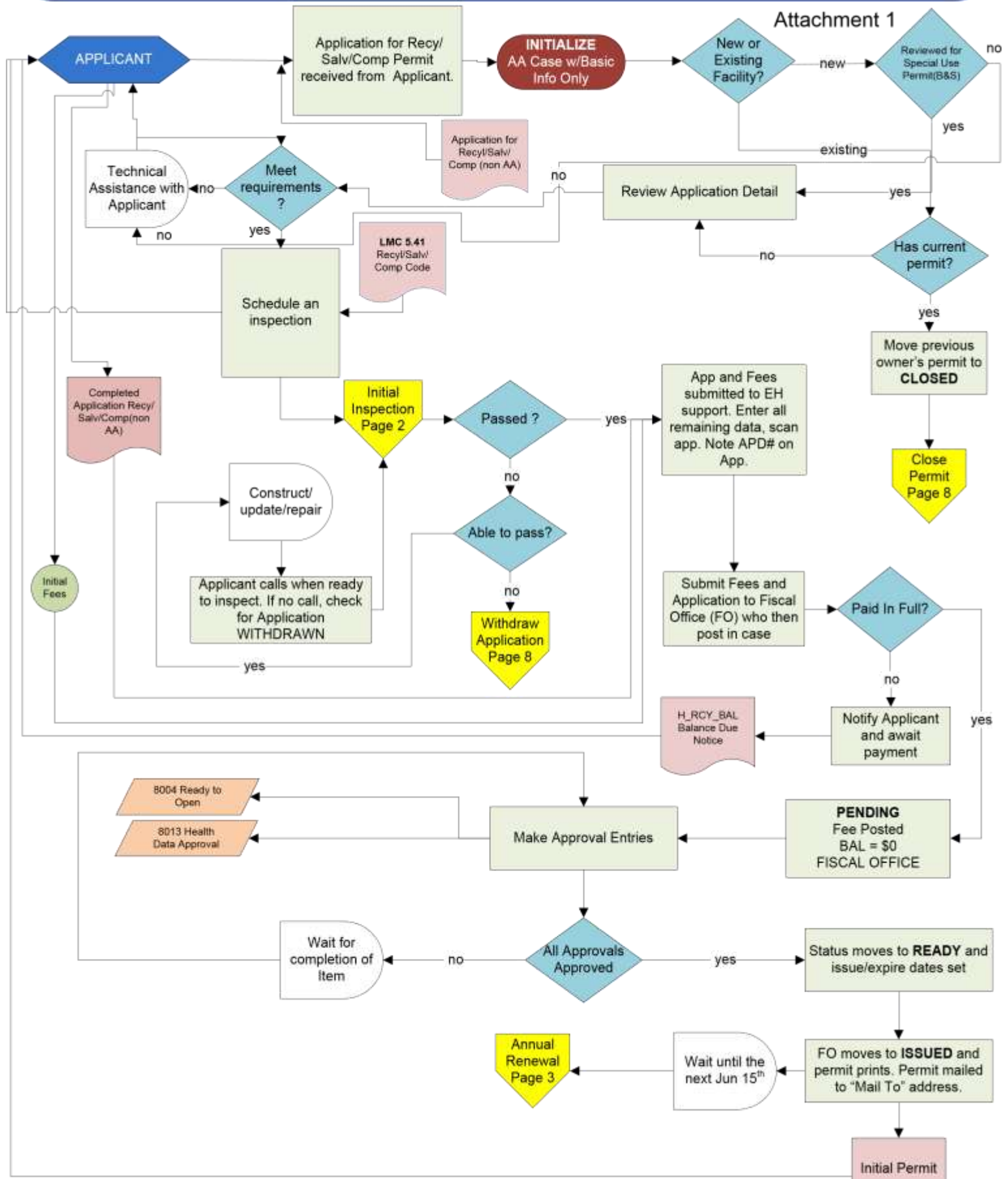
D. **Administrative Conference**

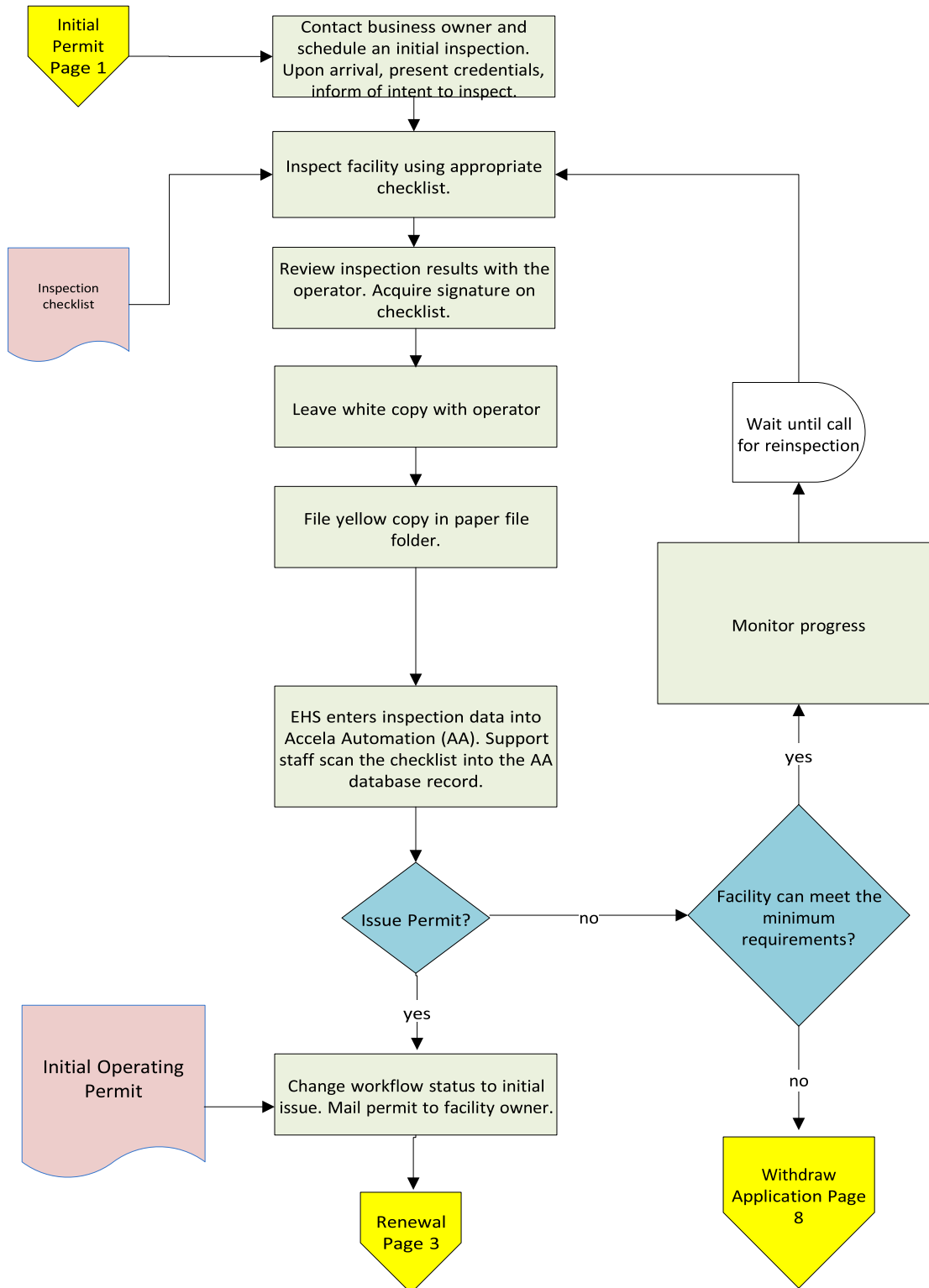
Following review of the operating history, if the record indicates multiple and repeated violations, the Supervisor may request an Administrative Conference with the Permittee to discuss what actions are necessary to achieve compliance and to come to an agreement on a compliance date when the actions will be completed. The Administrative Conference shall include the Permittee (or designated representative), the Supervisor, and the EHS who documented the violations in question. Following the Administrative Conference, the Supervisor will document all actions and agreements in a letter to the Permittee

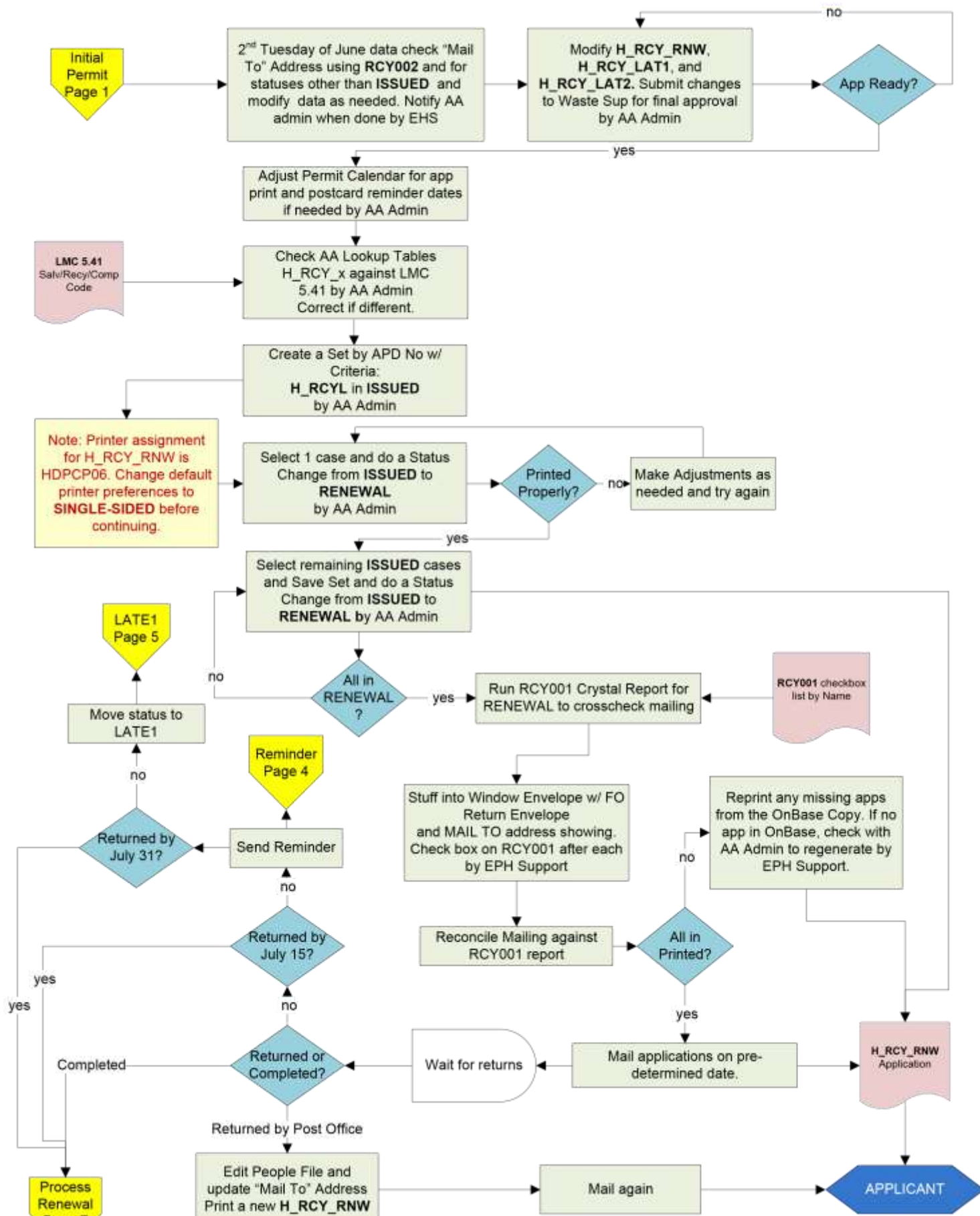
E. **Permit Suspension or Revocation**

If the Supervisor believes that an operating permit should be suspended or revoked, he/she shall consult with the Environmental Public Health Division Manager and the Health Director. If the Health Director determines that the permit should be suspended or revoked, the procedure in LMC

5.41 Salvaging, Recycling, and Composting Operation shall be followed.



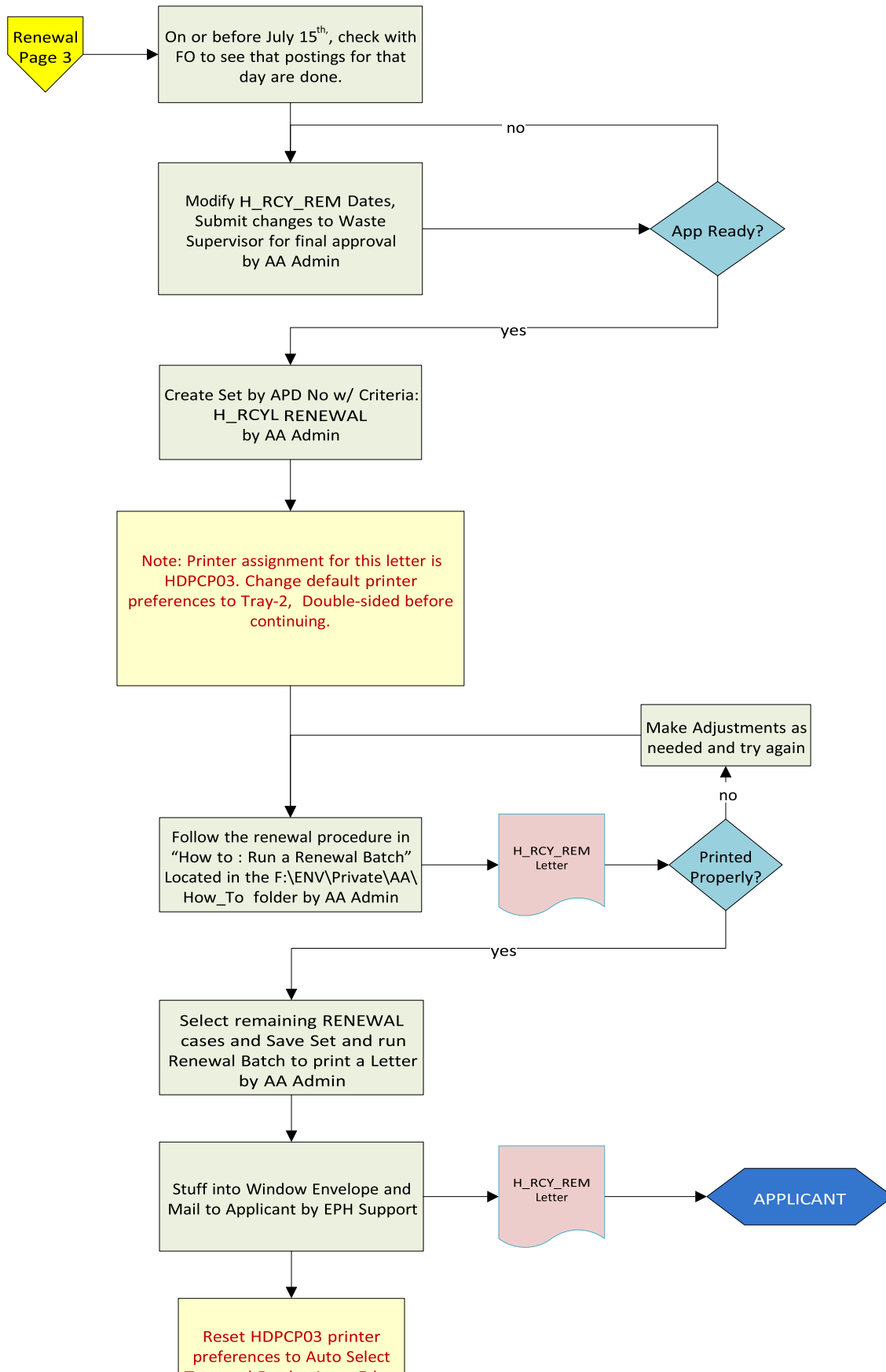


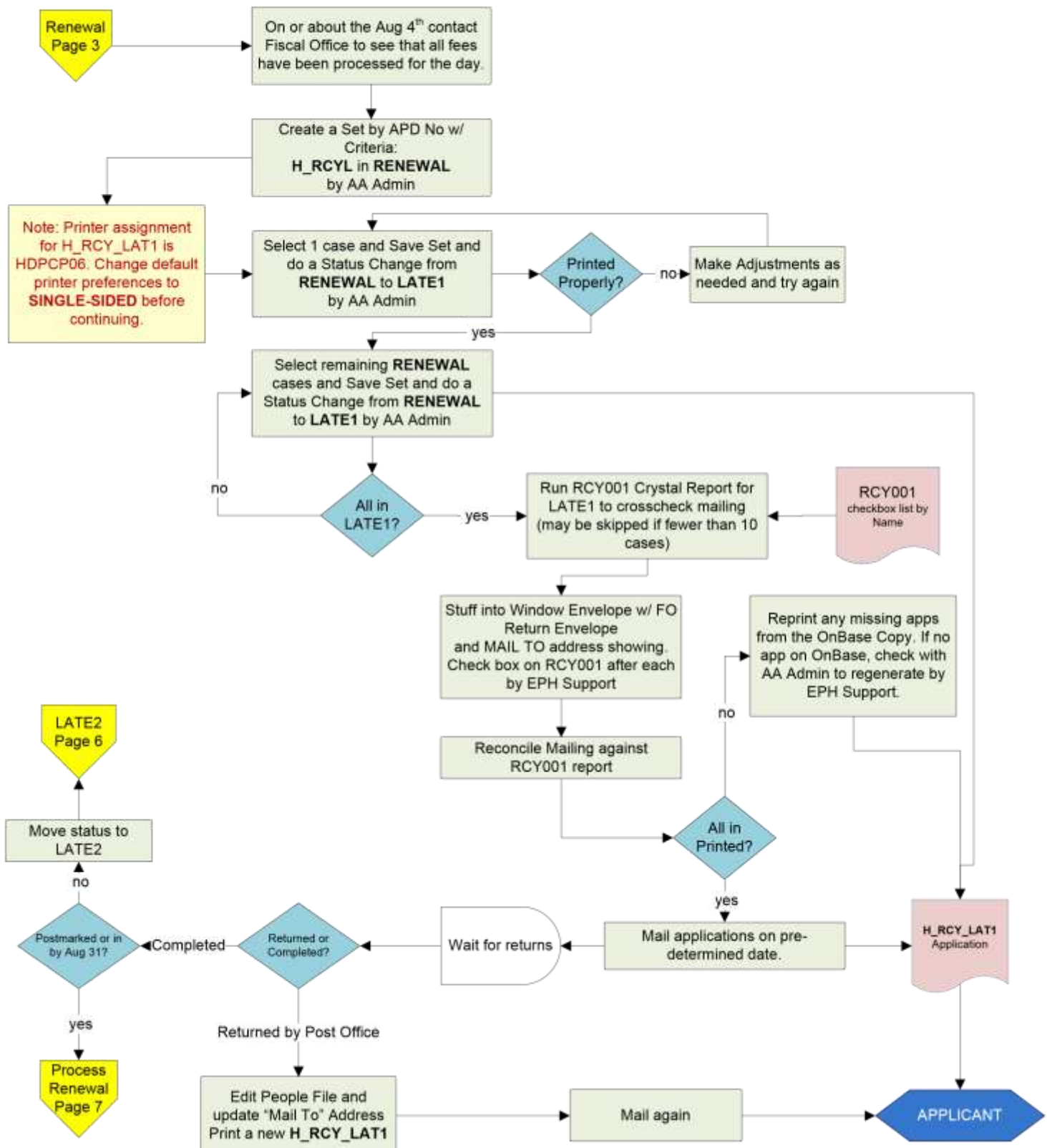




Reminder Mailing

File: F:\ENV\Private\POLICIES\Waste Policies\Working Documents\Salvage Yards\Salvaging_Recycling_Composting_AA_FINAL.vsd

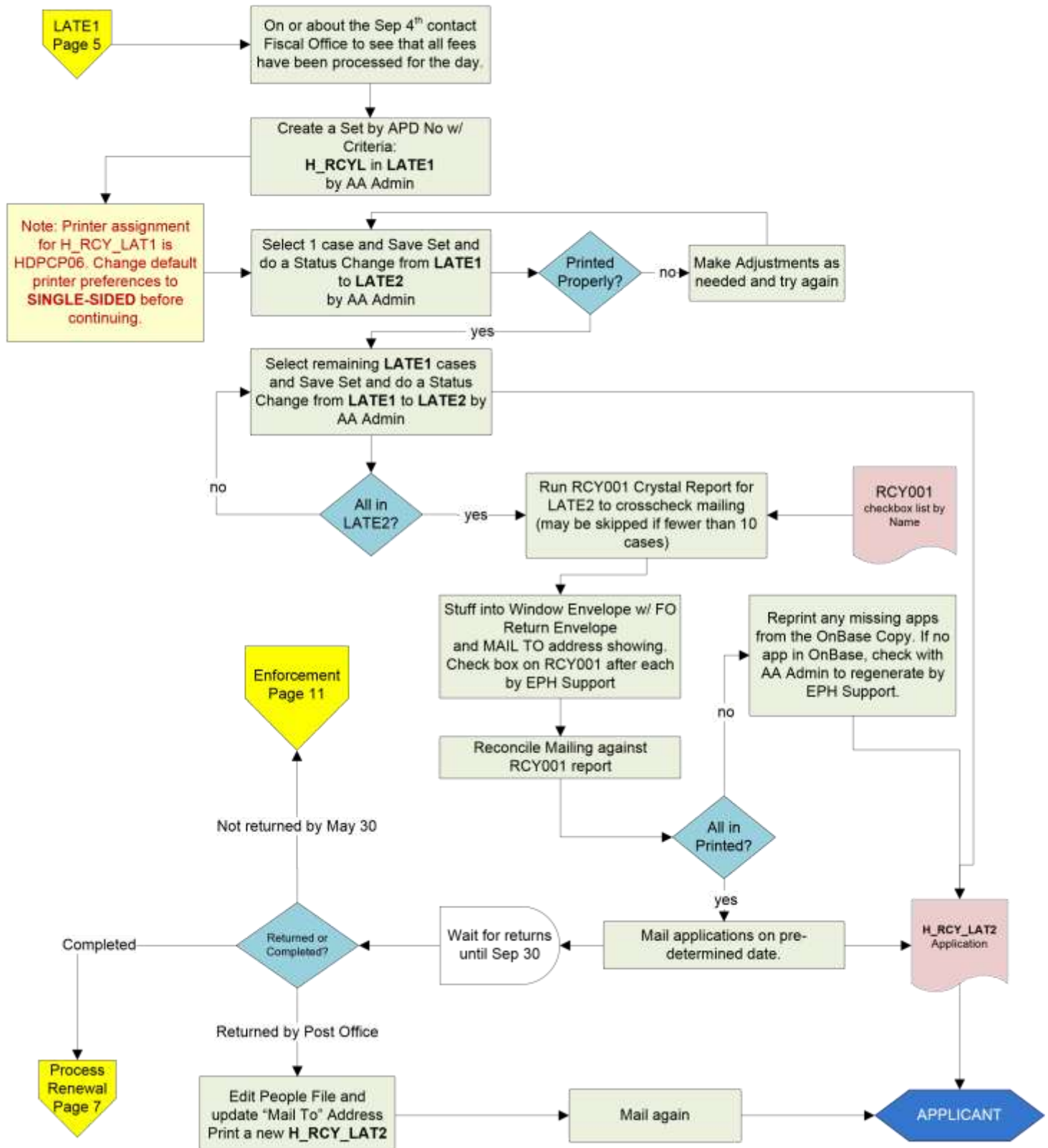


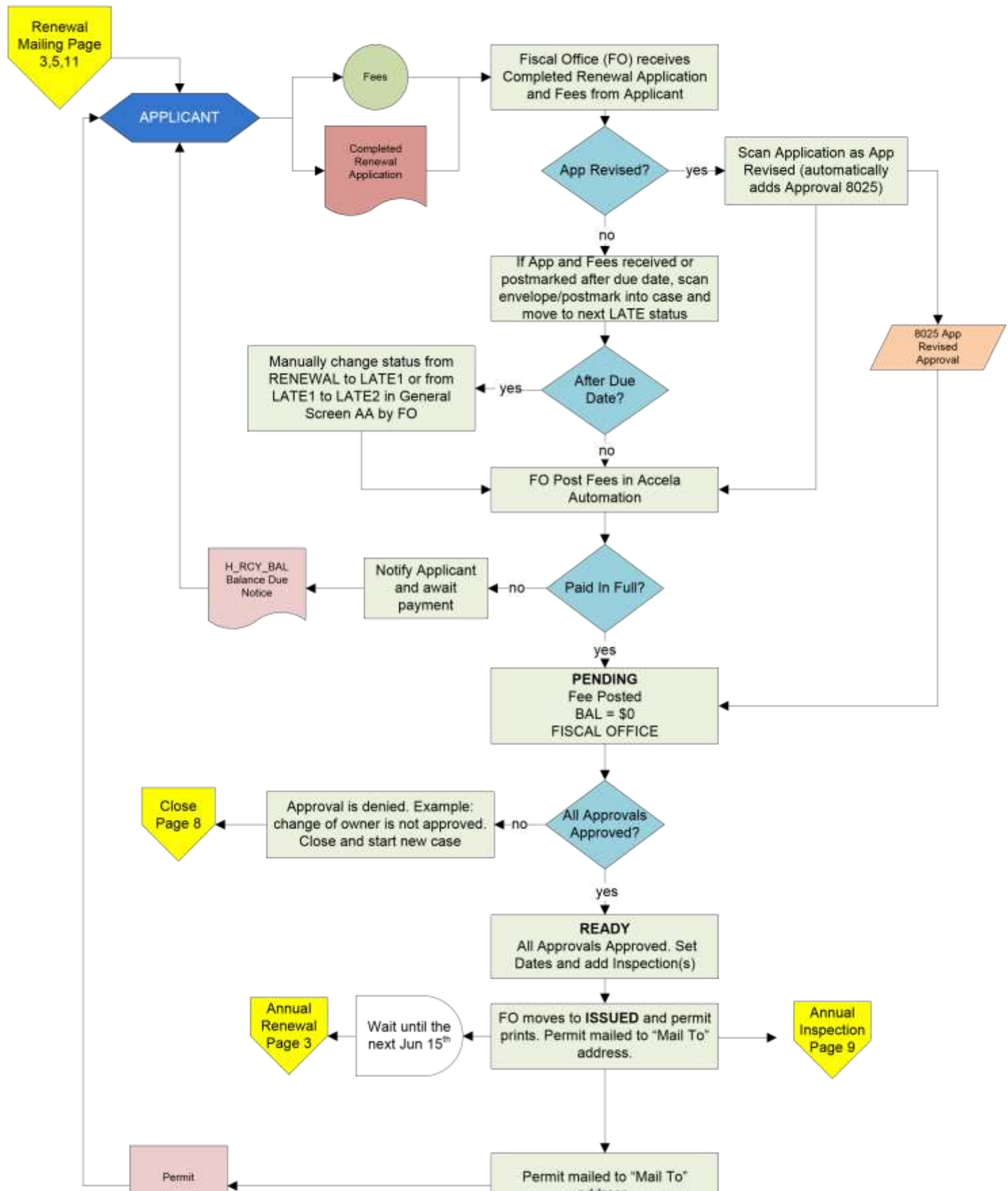




Late2 Mailing

File: F:\ENV\Private\POLICIES\Waste Policies\Working Documents\Salvage Yards\Salvaging_Recycling_Composting_AA_FINAL.vsd

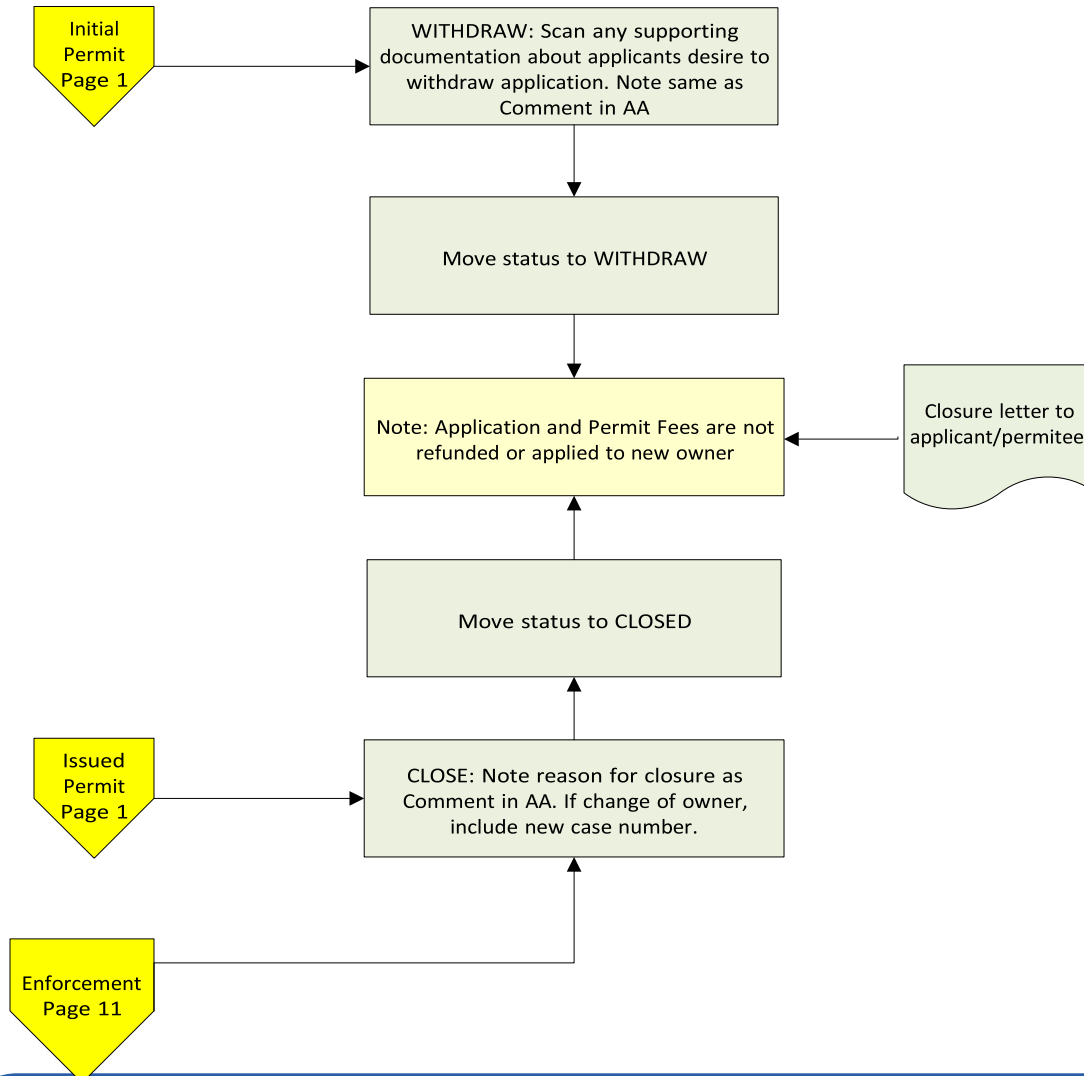


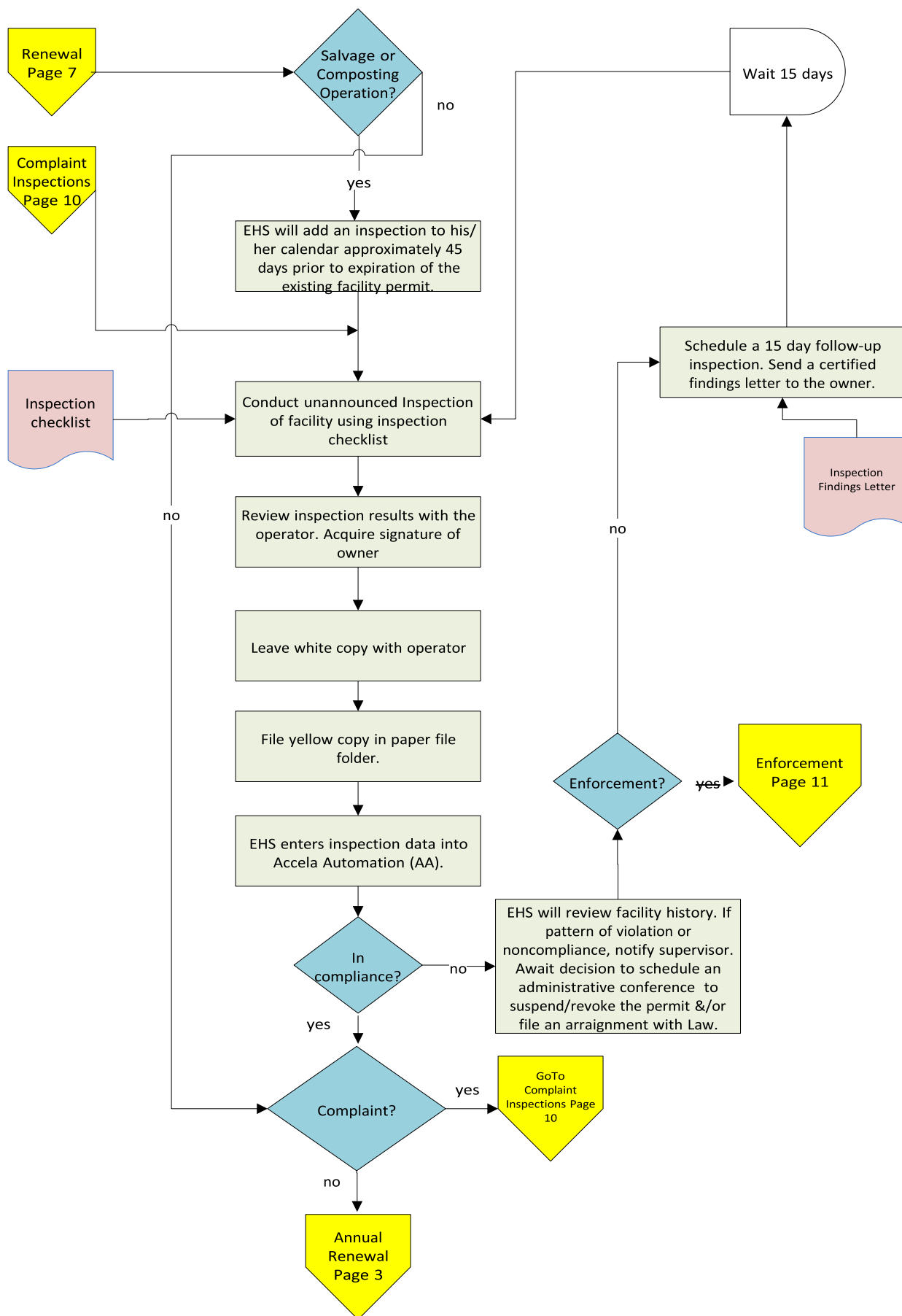


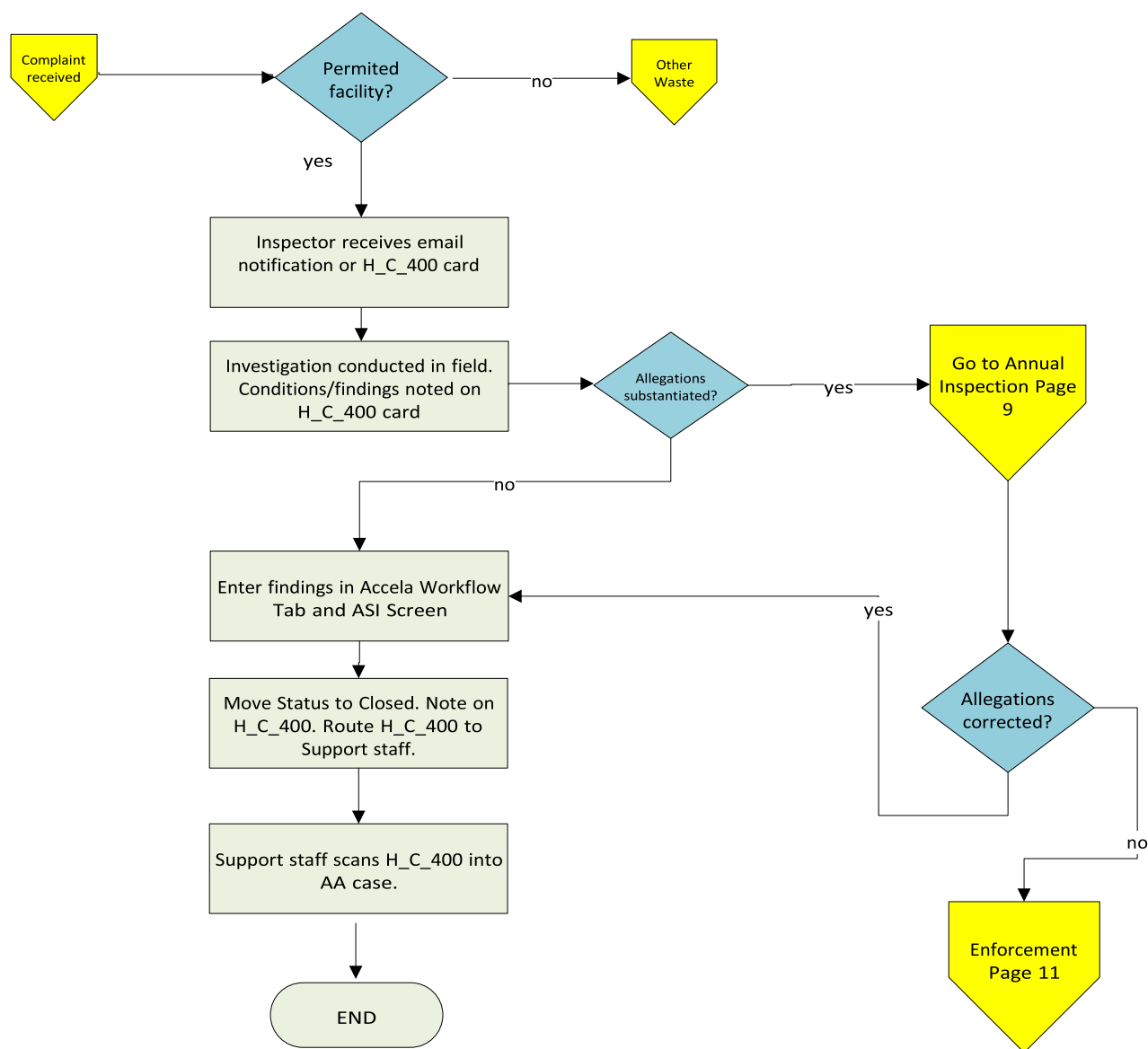


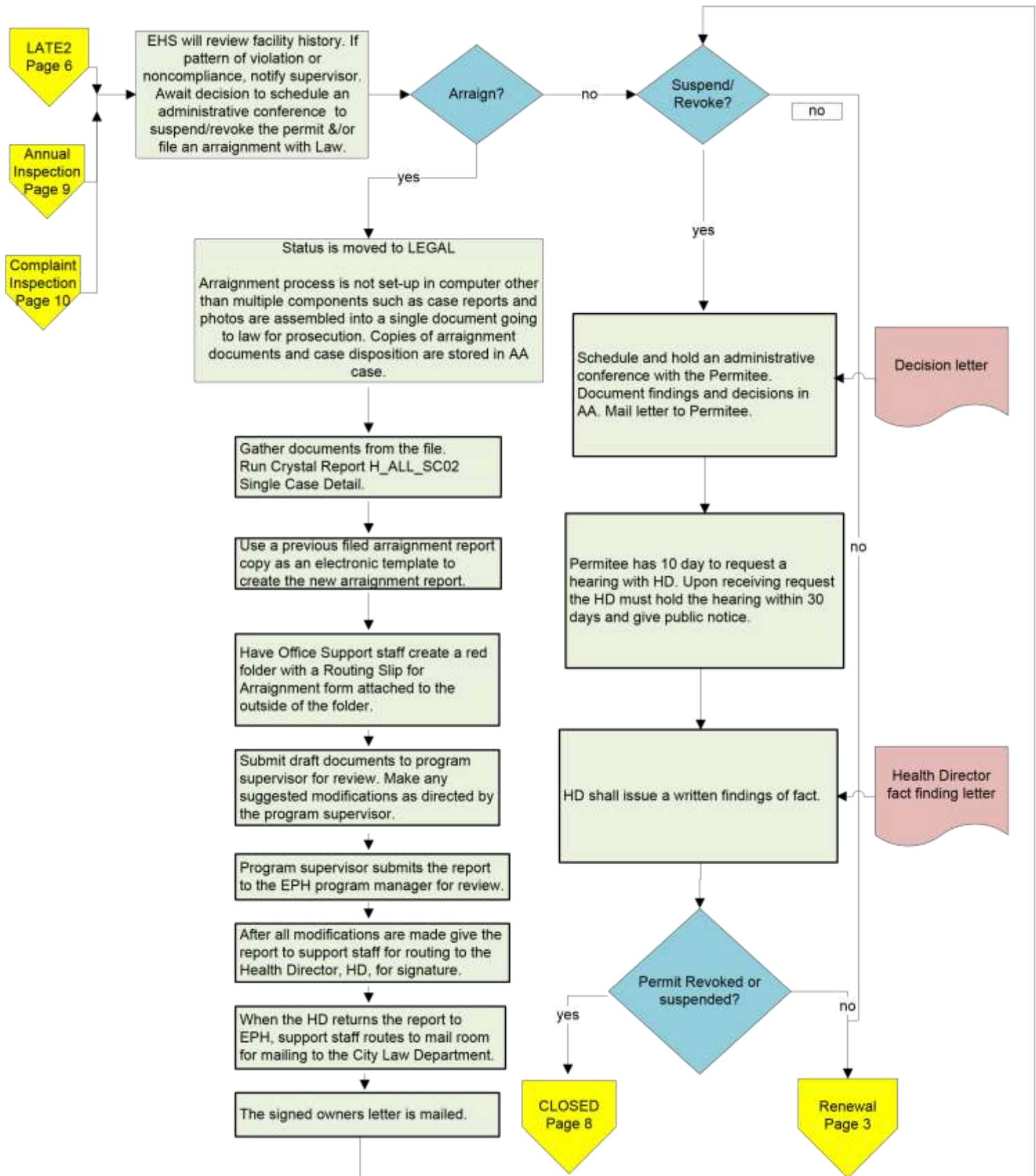
Close or Withdraw

File: F:\ENV\Private\POLICIES\Waste Policies\Working Documents\Salvage Yards\Salvaging_Recycling_Composting_AA_FINAL.vsd











Lincoln-Lancaster County Health Department
Environmental Public Health Division
3140 "N" Street
Lincoln, NE 68510-1514

Attachment 2A
**Application for permit to Operate A
Salvaging Operation**

PLEASE NEATLY PRINT IN INK OR TYPE ALL INFORMATION

Business Name: _____

Business Address: _____

Business Telephone: _____

This is an application for a ☐ Renewal ☐ New Permit

Special Permit Number: _____

Owner's Name: _____ **Home Telephone:** _____

Home Address: _____

Do you have a recycling drop-off facility? ☐ On Site ☐ Off Site ☐ None

In making this application for a permit to operate a salvage yard within the jurisdiction of the City of Lincoln, I hereby agree to comply with all city ordinances and codes pertaining to the operation of a salvage yard business.

Signature of Applicant

| | |
|------------|---------------------------------|
| Date | Fees: Salvage Operations |
| | \$60.00 Occupation Tax |
| | <u>\$160.00</u> |
| Total Fees | \$220.00 |

It shall be unlawful for any person to engage in, carry on, conduct, operate, or maintain a salvage operation, recycling processing operation, recycling center operation, recyclables drop-off operation or commercial composting operation within the city, or three miles thereof, without first having obtained a written permit from the Director for such activities. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine of not less than \$150.00 nor more than \$500.00 recoverable with costs, or both such fine and imprisonment. (Chapter 5.41.020)

When you provide a check as payment, you authorize us either to use the information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day you make your payment, and you will not receive your check back from your financial institution.

Send completed application and fees to Lincoln-Lancaster County Health Department, Enviromental Public Health Division, 3140 "N" Street, Lincoln, NE 68516-1514.

DO NOT WRITE IN THIS SPACE

Fee Received: _____ Check No.: _____ Date: _____

Permit: ☐ Issued ☐ Denied Date: _____

Permit Number: _____

Updated: 4/22/15



Lincoln-Lancaster County Health Department
Environmental Public Health Division
3140 "N" Street
Lincoln, NE 68510-1514

Attachment 2A

| | |
|---------------|------|
| Business Name | Date |
| Address | |

Days and Hours of Operation: _____

State the exact nature of the activities related to the requested permit:

—

—

In the space below, draw the locations and indicate the dimensions of any buildings on the premises, especially those buildings that are to be used, in whole or in part, in the permitted activities. Show the entrance to your facilities and indicate north on the diagram.

A drawing is required for all NEW applications. If this is a renewal an updated drawing is only needed if there has been changes to your property.



Salvaging Form

Updated: 4/22/15

**Lincoln-Lancaster County Health Department
Environmental Public Health Division
3140 "N" Street
Lincoln, NE 68510-1514**

Attachment 2B

ApplicAtion for ppermit to OperAte



Business Name: _____

Business Address: _____

Business Telephone: _____

This is an application for a ☐ Renewal ☐ New PermitThis is a request for a ☐ Recycling Center Operations Permit☐ Recycling Processing Center Operations Permit☐ Recycling Drop-off Operations Permit

Owner's Name: _____ Home Telephone: _____

City, Town, Village, or RFD

State

Zip Code

Do you have a recyclables drop-off facility? ☐ On Site ☐ Off Site ☐ NoneDo you have outside storage of your recycling materials? ☐ Yes ☐ NoDo you have one or more buildings on the premises? ☐ Yes ☐ No*If "Yes," attach a drawing showing the locations and dimensions of all buildings to this application.*

Signature of Applicant

Date

| | | |
|--------------|---|-----------|
| Fees: | Permit for Recycling Center Operations | \$50.00 |
| | Permit for Recycling Processing Center Operations | \$50.00 |
| | Permit for Recycling Drop-off Operations | No Charge |

Home Address: _____

It shall be unlawful for any person to engage in, carry on, conduct, operate, or maintain a salvage operation, recycling processing operation, recycling center operation, recyclables drop-off operation or commercial composting operation within the city, or three miles thereof, without first having obtained a written permit from the Director for such activities. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine of not less than \$150.00 nor more than \$500.00 recoverable with costs, or both such fine and imprisonment. (Chapter 5.41)

When you provide a check as payment, you authorize us either to use the information from your check to make a one-time electronic fund transfer from your account or to process payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day you make your payment, and you will not receive your check back from your financial institution.

Send completed application and fees to Lincoln-Lancaster County Health Department, Environmental Public Health Division, 3140 "N" Street, Lincoln, NE 68516-1514.

DO NOT WRITE IN THIS SPACE.

Fee Received: _____

Check No.: _____

Date: _____



A

Recycling OperAtion



Lincoln-Lancaster County Health Department
Environmental Public Health Division
3140 "N" Street
Lincoln, NE 68510-1514

Attachment

2C Application for permit to Operate

A Commercial Composting Operation

This is an application for a ☐ Renewal ☐ New Permit

PLEASE NEATLY PRINT IN INK OR TYPE ALL INFORMATION

Business Name: _____

Business Address: _____

Business Telephone: _____

Owner's Name: _____ Home Telephone: _____

Home Address: _____

_____ City, Town, Village, or RFD State Zip Code

Days and Hours of Operation: _____

State the exact nature of the materials being composted: _____

Distance to nearest neighboring inhabitable dwelling unit off premises (in feet): _____

Is this operation located within the 100-year flood plain? _____

Does the area have a history of chronic or repeated drainage problems (if "yes," explain)?

Indicate the soil type(s) on the proposed site: _____

In making this application for a permit to operate a commercial composting operation within the jurisdiction of the City of Lincoln, I hereby agree to

| | | | | | |
|------------------------|--|----------------------------------|-----------------|---------|------|
| | | Fees: | | | |
| | | Commercial Composting Operations | | \$60.00 | |
| | | Occupation Tax | <u>\$160.00</u> | Total | Fees |
| | | \$220.00 | | | |
| Signature of Applicant | | Date | | | |

It shall be unlawful for any person to engage in, carry on, conduct, operate, or maintain a salvage operation, recycling processing operation, recycling center operation, recyclables drop-off operation or commercial composting operation within the city, or three miles thereof, without first having obtained a written permit from the Director for such activities. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine of not less than \$150.00 nor more than \$500.00 recoverable with costs, or both such fine and imprisonment. (Chapter 5.41)

If the fees outlined in the above statute remain unpaid after July 31, the salvage business shall pay a late fee of \$60.00. All overdue payments shall accrue interest at the rate of 1% per month. If the fees remain unpaid 90 days or more after the expiration of any required permit, the business shall pay a penalty of 5% in addition to all other late fees and interest charges (as per provisions in Chapter 5.41.070).

comply with all city ordinances and codes pertaining to the operation of a commercial composting business.



Send completed application and fees to Lincoln-Lancaster County Health Department, Environmental Public Health Division, 3140 "N" Street, Lincoln, NE 68510-1514.

DO NOT WRITE IN THIS SPACE.

Fee Received: _____ Check No.: _____ Date: _____

Permit: ☐ Issued ☐ Denied Date: _____

Permit Number: _____

Updated: 3/23/15

Attachment 2C

Lincoln-Lancaster County Health Department
Environmental Public Health Division
3140 "N" Street
Lincoln, NE 68510-1514

Business Name _____ Date _____

Address _____

In the space below or on attached drawings, provide a plot plan of your operation, including dimensions of the area, proposed fencing, entrances to the site, building on the site (including building dimensions), and proposed methods of controlling runoff from the site. Indicate north on the diagram.

A drawing is required for all NEW applications. If this is a renewal an updated drawing is only needed if there has been changes to your property.



Commercial Composting Form

Updated: 3/23/15



Lincoln-Lancaster County Health Department

3140 N Street, Lincoln, NE 68510

(402) 441-8040, Lincoln.ne.gov (key word – SALVAGE)

Attachment 3

SALVAGE, RECYCLING, COMPOSTING OPERATION INSPECTION REPORT (Authority: LMC 5.41)

Name of Operation: _____

Address: _____

Inspection Date: _____ File #: _____

Type of Operation: SALVAGE ____ RECYCLING PROCESSING ____ RECYCLING CENTER/DROP OFF ____ COMMERCIAL COMPOSTING ____

Special Waste Inventory on file? Y ____ N ____ Active Special Waste Permit? Y ____ N ____ NPDES Permit? Y ____ N ____

GENERAL OPERATING REQUIREMENTS (LMC 5.41.110)

| | CONDITION EXISTS? | COMMENTS |
|---|--------------------------|----------|
| 1) Permit is displayed in plain sight | YES ____ NO ____ NA ____ | _____ |
| 2) Premises protected by a fence that prevents unauthorized entry. Fence is maintained in good repair | YES ____ NO ____ NA ____ | _____ |
| 3) Material and property arranged in a manner that allows easy access by fire department | YES ____ NO ____ NA ____ | _____ |
| 4) Salvage material stored within fenced area | YES ____ NO ____ NA ____ | _____ |
| 5) Property free of trash and junk material other than salvage material | YES ____ NO ____ NA ____ | _____ |
| 6) Gasoline, batteries, and other hazardous fluids removed from vehicles within 90 days of arrival | YES ____ NO ____ NA ____ | _____ |
| 7) Fluorocarbons and refrigerants removed from vehicles and appliances within 90 days of arrival | YES ____ NO ____ NA ____ | _____ |
| 8) Gasoline, oil, batteries, and other fluids are collected, stored, and disposed properly | YES ____ NO ____ NA ____ | _____ |
| 9) Evidence of releases or illicit discharges to storm drains, waterways, streets, or ground surface | YES ____ NO ____ NA ____ | _____ |
| 10) Accidental spills are cleaned up immediately and waste is properly disposed | YES ____ NO ____ NA ____ | _____ |
| 11) Facility operations in compliance with all applicable local, state and federal regulations | YES ____ NO ____ NA ____ | _____ |
| 12) Are any of the following nuisance conditions observed? | | |
| a) Standing water and/or potential collection points for standing water | YES ____ NO ____ NA ____ | _____ |
| b) Brush or unnecessary vegetation taller than 6 inches | YES ____ NO ____ NA ____ | _____ |
| c) Putrescible material or material liable to produce foul odors | YES ____ NO ____ NA ____ | _____ |
| d) Materials liable to attract vermin | YES ____ NO ____ NA ____ | _____ |
| e) Salvage material resting on or protruding beyond the property boundary | YES ____ NO ____ NA ____ | _____ |
| f) Material or litter blowing from the property | YES ____ NO ____ NA ____ | _____ |
| g) Ready access for vermin or other animals | YES ____ NO ____ NA ____ | _____ |
| h) Habitat conducive to the harborage of rodents and insects | YES ____ NO ____ NA ____ | _____ |

RECYCLING PROCESSING CENTER; OPERATING REQUIREMENTS (LMC 5.41.120)

| | | |
|---|--------------------------|-------|
| 1) All cutting, crushing, breaking, bailing or shredding conducted within an approved structure | YES ____ NO ____ NA ____ | _____ |
| 2) Any voluntary drop-off site is clearly marked | YES ____ NO ____ NA ____ | _____ |
| 3) All materials stored in covered containers or inside/under cover | YES ____ NO ____ NA ____ | _____ |
| 4) Premise free of hazardous materials | YES ____ NO ____ NA ____ | _____ |

RECYCLING CENTER/DROP-OFF; OPERATING REQUIREMENTS (LMC 5.41.130/140)

| | | |
|---|--------------------------|-------|
| 1) Only consumer recyclables accepted | YES ____ NO ____ NA ____ | _____ |
| 2) All recycling operations conducted within an approved structure | YES ____ NO ____ NA ____ | _____ |
| 3) Any voluntary drop-off site is clearly marked | YES ____ NO ____ NA ____ | _____ |
| 4) All materials stored in covered containers or inside/under cover | YES ____ NO ____ NA ____ | _____ |
| 5) Premise free of hazardous materials | | |
| 6) At off-site or stand alone drop-off site, are the following requirements met? | | |
| a) Recyclables collected in approved containers no taller than 7 feet from ground | YES ____ NO ____ NA ____ | _____ |

- b) Recyclable containers designed to prevent the collection and/or storage of water YES ___ NO ___ NA ___
- c) Adequate number of containers provided for volume of recyclables collected YES ___ NO ___ NA ___
- d) Adequate service of containers to prevent overflow of recyclables YES ___ NO ___ NA ___
- e) Collection site appropriately signed and monitored for unacceptable materials YES ___ NO ___ NA ___
- f) All mechanical separation and processing of recyclables conducted off-site at appropriate facility YES ___ NO ___ NA ___
- g) Collection of recyclables from the site conducted only between 6:00 AM and 7:00 PM YES ___ NO ___ NA ___

COMMERCIAL COMPOSTING; OPERATING REQUIREMENTS (LMC 5.41.150)

- 1) Suitable fence erected and maintained and gates secured and locked while the facility is unattended YES ___ NO ___ NA ___
- 2) Signs posted at each gate stating operator's name, address, and emergency contact number YES ___ NO ___ NA ___
- 3) Operations conducted outside of 750 feet of nearest off-site, inhabitable dwelling unit YES ___ NO ___ NA ___
- 4) Operation conducted outside of the 100 year flood plain or areas prone to flooding or poor drainage YES ___ NO ___ NA ___
- 5) Operation prevents the release of contaminants that can lead to health or environmental risks or damage YES ___ NO ___ NA ___

COMMENTS: _____

Inspected By: _____ **Person Receiving Report:** _____



LINCOLN-LANCASTER COUNTY
HEALTH DEPARTMENT

3140 "N" Street Lincoln, NE 68510-1514
402-441-8000 TDD: 402-441-8284 fax: 402-441-8229



Attachment 4

Date

Permit Holder

Address

Address

SUBJECT: Salvaging/Recycling/Composting Operation located at ADDRESS

Dear Permit Holder:

On DATE, the Lincoln-Lancaster County Health Department (LLCHD) conducted an inspection of your Salvage/Recycling/Composting Operation located at ADDRESS. The investigation identified the following conditions that need your attention:

1. Salvage material stored outside the fenced area. Lincoln Municipal Code (LMC) 5.41.110 requires all salvage materials (vehicles and parts thereof) stored outside to be kept within a suitable fence.
2. Recyclable material stored outside in uncovered containers. LMC 5.41.120 requires all Recycling Operations to store all collected materials inside or in secure covered containers.
3. Conducting Composting Operations within 500 feet of a residence. LMC 5.41.150 requires all Composting Operations to be conducted at least 750 feet from the nearest off-site, inhabitable dwelling unit.

A copy of the Inspection Checklist was left with the manager of your facility. Failure to comply with LMC could result in the suspension or revocation of your Salvaging/Recycling/Composting Permit, fines, and/or imprisonment in the county jail. To avoid possible legal action, please correct the above violations by **DATE**.

If you have any questions, please contact me at 402-441-8040.

Sincerely,

Ralph E. Martin Jr., PG, CHMM
Senior Environmental Health Specialist

cc: Mel Goddard, Building & Safety Department
Permit File HRCYL0000





LINCOLN-LANCASTER COUNTY
HEALTH DEPARTMENT
3140 "N" Street Lincoln, NE 68510-1514
402-441-8000 TDD: 402-441-6284 fax: 402-441-8229



Attachment 5

NOTICE OF VIOLATION

Date

CERTIFIED

Permit Holder
Address
Address

SUBJECT: Salvaging/Recycling/Composting Operation located at ADDRESS

Dear Permit Holder:

On DATE, the Lincoln-Lancaster County Health Department (LLCHD) conducted an inspection of your Salvage/Recycling/Composting Operation located at ADDRESS. The investigation identified the following conditions that need your attention:

Salvage material stored outside the fenced area. Lincoln Municipal Code (LMC) 5.41.110 requires all salvage materials (vehicles and parts thereof) stored outside to be kept within a suitable fence.

Recyclable material stored outside in uncovered containers. LMC 5.41.120 requires all Recycling Operations to store all collected materials inside or in secure covered containers.

Conducting Composting Operations within 500 feet of a residence. LMC 5.41.150 requires all Composting Operations to be conducted at least 750 feet from the nearest off-site, inhabitable dwelling unit.

A follow-up inspection was conducted on DATE. TO DATE, THE ABOVE VIOLATIONS HAVE NOT BEEN CORRECTED AND YOUR FACILITY IS IN VIOLATION OF LMC 5.41.

Failure to comply with LMC could result in the suspension or revocation of your Salvaging/Recycling/Composting Permit, fines, and/or imprisonment in the county jail. To avoid possible legal action, please correct the above violations by DATE.

If you have any questions, please contact me at 402-441-8040.

Sincerely,

Ralph E. Martin Jr., PG, CHMM
Sr. Environmental Health Specialist

cc: Mel Goddard, Building & Safety Department
Permit File HRCYL0000

